

## Remarks

Claims 1-9 are pending in this application. Applicant has amended claims 1-9 to clarify the present invention. Applicant respectfully requests favorable reconsideration of this application.

Support for the amendments to claim 1 may be found in paragraphs 0023, 0024 and 0025 of the specification.

The Examiner rejected claims 1-9 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-9 recite elements of a graphical user interface system displayed on a display. Therefore, the claimed invention is tangibly embodied in a manner as to be executable. Accordingly, Applicant submits that claims 1-9 recite statutory subject matter under 35 U.S.C. § 101 and respectfully requests withdrawal of this rejection.

The Examiner rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent publication 2002/0033848 to Sciammarella. The Examiner rejected claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over Sciammarella in view of U.S. patent 5,677,708 to Matthews.

Sciammarella does not suggest the present invention as recited in claim 1 since, among other things, Sciammarella does not suggest a series of panels that when presented to the display screen will appear to occupy a two-dimensional space extending in an approximate semi-circular

fashion along the bottom and the adjacent sides of the display screen. Rather, as shown in Figs. 2 and 21, Sciammarella suggests a circle layout. In particular, Sciammarella suggests thumbnail views arranged in a semi-circular fashion along the bottom of “an upper half” of the screen and filenames corresponding to the thumbnails appear on the screen in an arc of a second ring that is symmetric to, but inverse from the thumbnail arc. This is described in paragraph 0055 of Sciammarella.

Sciammarella does not suggest separating the thumbnail ring from the filename ring since the two rings are described as parts of a whole. Furthermore, Sciammarella suggests in paragraph 0092, that the focus outline should be defined at a position at or near the center of the screen. Consequently, Sciammarella does not suggest a user interface that includes “a selection cursor...overlaid one panel presented at the bottom of the display screen”. Furthermore, Sciammarella does not provide any motivation to modify the interface suggested therein to include such features.

Furthermore, Sciammarella does not suggest a selection cursor being scrollable “to a panel appearing further up either side of the display screen than the panels displayed at the bottom thereof” which is “arranged to cause the indicated panel to be pulled down and stopped in a position at the bottom of the display screen and the whole series of panels to be scrolled along with it.” Rather, Sciammarella suggests at paragraph 0074 that “the center of the focus thumbnail serves as the unmoving axis of the pivoting movement.” Furthermore, Sciammarella suggests at paragraph 0077, “the focus outline remains generally at the center of the screen, and ...it can also be moved slightly towards the adjacent thumbnail as the adjacent thumbnail is

shifted towards center”. Thus, it is clear that the selection cursor suggested by Sciammarella is essentially static at the center of the screen and the thumbnails moves into the cursor “focus”. That is, the thumbnails are not pulled down by the selection cursor and stopped in a position at the bottom of the display screen.

This clearly differs from the present application as recited in claim 1. For example, the selection cursor may be moved among the panels presented at the bottom of the screen, without incurring scrolling of the series of panels, thus making these panels the most easily accessible panels. This is described in paragraph 0020 of the specification. In contrast, Sciammarella suggests that the change of focus panel always will incur scrolling of the whole series of thumbnails.

Furthermore, with respect to claim 3, it is not possible to scroll the selection cursor of Sciammarella to any panel other than the focus panel. Sciammarella only suggests in paragraph 0081 that, “When the continuous browsing input continues for longer than certain duration of time, the speed at which the thumbnails move is accelerated.” Thus, Sciammarella does not suggest the present invention as recited in claim 3.

With respect to claim 4, Sciammarella does suggest that, “transport speed of the series of panels when scrolled is dependent on the frequency of user input commands for scrolling the selection cursor up the panels appearing at either side of the display screen”. Rather, Sciammarella suggests that the scrolling speed is dependent on duration, not frequency, of user input.

Further with respect to claims 3 and 4, in paragraph 0081 Sciammarella suggests an embodiment that includes a "helix layout". The helix layout described and illustrated by Sciammarella differs substantially from the "circle layout" shown in Fig. 2 of Sciammarella and even more so from the claimed invention.

In addition to the above-described differences between the present invention as recited in the claims and the interface suggested by Sciammarella, there is no motivation to alter the interface suggested by Sciammarella to result in the claimed invention. For example, "a selection cursor ... overlaid one panel presented at the bottom of the display screen" is not simply a "different design choice" as asserted by the Examiner. Rather, this arrangement stems from the "television" background of the application. This is discussed in the present specification at paragraphs 0002 and 0003. An advantage of such an arrangement as discussed in paragraph 0018 of the present specification includes allowing video or television programming to continue playing in the background without the graphical user interface unnecessarily obscuring the background image. Sciammarella does not suggest such an arrangement or the advantages of such an arrangement and clearly lacks the motivation to modify the interface to result in the claimed invention.

In view of the above, Sciammarella does not suggest the present invention as recited in claims 1-5.

The combination of Sciammarella and Matthews, III et al. does not suggest the present

invention as recited in claims 6-9 since, among other things, Matthews, III et al. does not overcome the above-described deficiencies of the interface suggested by Sciammarella. For example Matthews, III et al. does not suggest series of panels when presented to the display screen will appear to occupy a two-dimensional space extending in an approximate semi-circular fashion along the bottom and the adjacent sides of the display screen. Providing the interface suggested by Sciammarella with the information markers suggested by Matthews et al., III et al. does not suggest the aspects of the interface not suggested by Sciammarella. Therefore, the combination of Sciammarella and Matthews, III et al. does not suggest the present invention as recited in claims 6-9.

In view of the above, the references relied upon in the office action, whether considered alone or in combination, do not suggest patentable features of the present invention. Therefore, the reference relied upon in the office action, whether considered alone or in combination, do not make the present invention obvious. Accordingly, Applicant submits that the present invention is patentable over the cited references and respectfully requests withdrawal of the rejections based on the cited references.

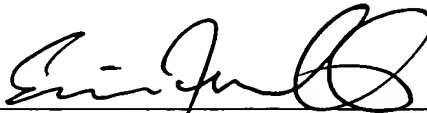
If an interview would advance the prosecution of this application, Applicant respectfully urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit

overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: 6/10/08

A handwritten signature in black ink, appearing to read "Eric J. Franklin", written over a horizontal line.

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